

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PATRICIA L MITCHELL
Claimant

APPEAL 17A-UI-07644-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/09/17
Claimant: Appellant (2)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 18, 2017, (reference 01) unemployment insurance decision that denied the claimant's request to backdate her claim. After due notice was issued, a telephone hearing was held on August 17, 2017. The claimant participated personally. The administrative law judge took official notice of the administrative record, including fact-finding documents. Based on the evidence, the argument presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's requests to backdate her claim be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of July 9, 2017, and wishes to backdate the claim to July 2, 2017. The claimant made an attempt to file her claim during the week she was unemployed but received error messages directing her to go to her local IWD office. The claimant then sought IWD assistance on Monday, July 10, 2017 to resolve the matter and was told by representatives at the Waterloo office that the systems had been down. The claimant requests to backdate her claim to July 2, 2017.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant's request to backdate the claim is granted.

Iowa Code section 96.6(1) provides:

Filing — determination — appeal.

1. *Filing.* Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.2(1)h(1) and (2)1 provide:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

h. Effective starting date for the benefit year.

(1) Filing for benefits shall be effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(2) The claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim for the following reasons:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

The administrative law judge would note that effective, Wednesday, July 12, 2017, for claims effective July 16, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) were amended. Because the claim is effective prior to July 16, 2017, the new rule was not applied.

Since the claimant made a good faith attempt to file her claim during the first week of her unemployment, but was locked out of the online claim system due to technical issues, the delay in filing within the next business week is considered a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is allowed.

DECISION:

The July 18, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to July 2, 2017, is granted, as are the retroactive benefits for the same time period. The claimant should report gross wages earned, if any, for that week.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs